

W E B B C O U N T Y J U D I C I A L S Y S T E M  
CIVIL CASE DOCKETSWebb County Courts - Live  
DATE 9/20/16  
TIME 13:39:56PAGE  
MV0260  
DCRAG

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CASE NUMBER . . . . : 2016CVF002246 D2 CASE TYPE : F01 CONSUMER/DTPA  
PLAINTIFF . . . . : LOPEZ, CRESCENCIO,,  
S.S.# . . . . . : 000-00-0000 D.O.B. . . . . :  
ADDRESS . . . . . :

DRIVER LICENSE # . . . :

PLAINTIFFS ATTORNEY : POLLOM, ROBERT, A, PHONE NUMBER: 000-000-00  
ADDRESS . . . . . : 16500 SAN PEDRO STE 302  
SAN ANTONIO TX 78232

VS.

DEFENDANT NAME . . . : ASI LLOYDS,,,  
S.S.# . . . . . : 000-00-0000 D.O.B. . . . . :  
ADDRESS . . . . . : 700 NORTH PEARL STREET 25TH FLOOR  
DALLAS TX 75201DRIVERS LICENSE # . . . :  
CASE STATUS . . . . : Active STATUS DATE . . . . : 8/24/2016  
CASE DISPOSITION . . . : DISPOSITION DATE :DEFENDANT NAME . . . : PIERCE, DAVID,,  
S.S.# . . . . . : 000-00-0000 D.O.B. . . . . :  
ADDRESS . . . . . : 196 PECAN LOOP  
MCQUEENEY TX 78123DRIVERS LICENSE # . . . :  
CASE STATUS . . . . : Active STATUS DATE . . . . : 8/24/2016  
CASE DISPOSITION . . . : DISPOSITION DATE :

ENTRY/FILING DATE . . : 8/24/2016

JUDGE . . . . . : M.Z. Notzon  
HEARING TYPE . . . . :  
ADMIN. TERM. CODE . . : IND. TERM. CODE . . :COMPLAINT . . . . . : \*IMG\* CONTRACT  
COMPLAINT DATE . . . . : 8/24/2016 COMPLAINT AMOUNT . . . . :  
INTEREST DATE . . . . : INTEREST RATE . . . . :  
REIMBURSE COSTS . . . . : NO  
COUNTER CLAIM ORI# . . . . : COUNTER CLAIM CASE:  
TRUSTEESHIP ORI# . . . . : TRUSTEESHIP CASE . . . . :  
GARNISHMENT ORI# . . . . : GARNISHMENT CASE . . . . :

ACTIVITY DATE ACTIVITY DESCRIPTION

ACTIVITY TI

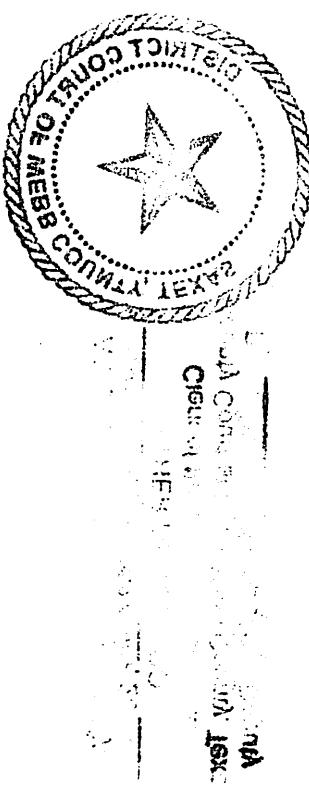
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8/24/2016 Case Status

CaseStatus

Case Status entered as ACTV.  
Case Status ACTV: Active  
For ASI LLOYDS  
Complaint  
\*IMG\* CONTRACT

Complaint





W E B B C O U N T Y J U D I C I A L S Y S T E M  
CIVIL CASE DOCKETS

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MV0260  
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CASE NUMBER . . . : 2016CVF002246 D2 CASE TYPE : F01 CONSUMER/DTPA

8/29/2016 Court Case Assignment Case Assgn  
Court date/time: 11/01/2016 11:00 Hearing Type: 17 Clndr Call  
Assignment of court date/time.  
Status entered as Open

8/31/2016 Hearing Hearing  
\*IMG\* CALENDAR CALL FAXED TO ATTORNEY ROBERT POLLOM. (GG)  
Issuance Issuance  
\*IMG\* 4 CITATIONS ISSUED AS TO ASI LLOYDS AND DAVID PIERCE AND SENT  
BACK IN SELF ADDRESSED STAMPED ENVELOPE. (GG)

9/12/2016 Returns Returns  
\*IMG\* CITATION RETURNED EXECUTED AS TO ASI LLOYDS.  
DOS: 9/7/16 (AMH)

9/13/2016 Returns Returns  
\*IMG\* CITATION RETURNED EXECUTED AS TO DAVID PIERCE.  
DOS: 09/12/16  
RAG

9/14/2016 Filing Papers File Paprs  
\*IMG\* LETTER FROM ATTORNEY LADONNA G. SCHEXNYDER DATED 09/14/16  
IN RE: REQUEST AND PAYMENT FOR COPIES OF ENTIRE FILE.  
RAG

COPIES NOT PRINTED UNTIL SELF ADDRESSED STAMPED ENVELOPE IS RECEIVED.  
RAG

9/20/2016 Filing Papers File Paprs  
\*IMG\* COPY OF LETTER FROM ATTORNEY LADONNA SCHEXNYDER DATED 09/14/16.  
IN RE: SELF ADDRESSED STAMPED ENVELOPE FOR COPIES. RAG

CAUSE NO. \_\_\_\_\_

CRESCENCIO LOPEZ § IN THE DISTRICT COURT  
 §  
 §  
 V. § \_\_\_\_\_ JUDICIAL DISTRICT  
 §  
 ASI LLOYDS AND DAVID PIERCE § WEBB COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff CRESCENCIO LOPEZ, files this Original Petition against ASI LLOYDS ("ASI" or the "INSURANCE DEFENDANT"), and DAVID PIERCE ("PIERCE" or "ADJUSTER DEFENDANT" or herein collectively as "DEFENDANTS") and in support thereof, would show as follows:

**I.**  
**DISCOVERY CONTROL PLAN LEVEL**

Plaintiff intends for discovery to be conducted under Level 3 of Rule 190 of the Texas Rules of Civil Procedure. This case involves complex issues and will require extensive discovery. Therefore, Plaintiff will ask the Court to order that discovery be conducted in accordance with a discovery control plan tailored to the particular circumstances of this suit.

**II.**  
**PARTIES AND SERVICE**

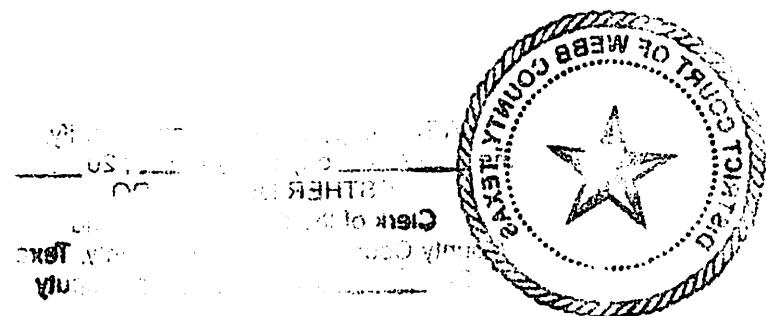
Plaintiff resides in Webb County, Texas.

Defendant ASI is in the business of insurance in the State of Texas. The insurance business done by INSURANCE DEFENDANT in Texas includes, but is not limited to, the following:

- The making and issuing of contracts of insurance with the Plaintiff;
- The taking or receiving of application for insurance, including the Plaintiff's application for insurance;

A True copy of the original. I certify,  
 2016 day of September, 2016  
 ESTHER DEGOLLADO  
 Clerk of the District Courts and  
 County Court at Law, Webb County, Texas  
 By *[Signature]* Deputy





- The receiving or collection of premiums, commissions, membership fees, assessments, dues or other consideration for any insurance or any part thereof, including any such consideration or payments from the Plaintiff; and
- The issuance or delivery of contracts of insurance to residents of this state or a person authorized to do business in this state, including the Plaintiff.

This defendant may be served with personal process, by a process server, by serving its registered agent Rodney D. Bucker, 700 North Pearl Street, 25<sup>th</sup> Floor, Dallas, Texas 75201, or wherever else he may be found.

Defendant, DAVID PIERCE, is an individual residing in and domiciled in the State of Texas. This defendant may be served with personal process via personal service at 196 Pecan Loop, McQueeney, Texas 78123, or wherever else he may be found.

**III.  
JURISDICTION AND VENUE**

Venue is appropriate in Webb County, Texas because all or part of the conduct giving rise to the causes of action were committed in Webb County, Texas and the Plaintiff and property which is the subject of this suit are located in Webb County, Texas.

Accordingly, venue is proper pursuant to Texas Civil Practice & Remedies Code §15.002.

**IV.  
FACTS**

Plaintiff is the owner of a Texas Homeowner's Insurance Policy (hereinafter referred to as "the Policy"), which was issued by INSURANCE DEFENDANT.

Plaintiff owns the insured property, which is specifically located at 5210 Rains Dr, Laredo, Texas 78043 (hereinafter referred to as "the Property").

INSURANCE DEFENDANT sold the Policy insuring the Property to Plaintiff.

During the terms of said Policy, Plaintiff sustained covered losses in the form of wind and/or hail damage and damages resulting therefrom, and Plaintiff timely reported same pursuant to the terms of the Policy. Plaintiff asked that INSURANCE DEFENDANT cover the cost of repairs to the Property pursuant to the Policy. INSURANCE DEFENDANT failed to conduct a full, fair and adequate investigation of Plaintiff's covered damages.

As detailed in the paragraphs below, INSURANCE DEFENDANT wrongfully denied Plaintiff's claim for repairs to the Property, even though the Policy provided coverage for losses such as those suffered by Plaintiff. Furthermore, INSURANCE DEFENDANT failed to pay Plaintiff's claim by not providing full coverage for the damages sustained by Plaintiff.

To date, INSURANCE DEFENDANT continues to delay in the payment for the damages to the Property.

INSURANCE DEFENDANT failed to perform its contractual duty to adequately compensate Plaintiff under the terms of their Policy. Specifically, INSURANCE DEFENDANT refused to pay the full proceeds of the Policy after its agent, ADJUSTER DEFENDANT conducted an outcome-oriented investigation, although due demand was made for proceeds to be paid in an amount sufficient to cover the damaged property, and all conditions precedent to recovery under the Policy have been carried out and accomplished by Plaintiff. INSURANCE DEFENDANT'S conduct constitutes a breach of the insurance contract between it and Plaintiff.

Pleading further, INSURANCE DEFENDANT misrepresented to Plaintiff that the damage to the Property was not covered under the Policy, even though the damage was caused by a covered occurrence. INSURANCE DEFENDANT'S conduct constitutes a

violation of the Texas Insurance Code, Unfair Settlement Practices. TEX. INS. CODE §541.060(a)(1).

INSURANCE DEFENDANT failed to make an attempt to settle Plaintiff's claim in a fair manner, although it was aware of its liability to Plaintiff under the Policy. Its conduct constitutes a violation of the Texas Insurance Code, Unfair Settlement Practices. TEX. INS. CODE §541.060(a)(2)(A).

INSURANCE DEFENDANT failed to explain to Plaintiff any valid reason for its coverage denial and offer of an inadequate settlement. Specifically, it failed to offer Plaintiff full compensation, without any valid explanation why full payment was not being made. Furthermore, INSURANCE DEFENDANT did not communicate that any future settlements or payments would be forthcoming to pay for the entire loss covered under the Policy, nor did it provide any explanation for the failure to adequately settle Plaintiff's claim. INSURANCE DEFENDANT conduct is a violation of the Texas Insurance Code, Unfair Settlement Practices. TEX. INS. CODE §541.060(a)(3).

INSURANCE DEFENDANT failed to meet its obligations under the Texas Insurance Code regarding timely acknowledging Plaintiff's claim, beginning an investigation of Plaintiff's claim, and requesting all information reasonably necessary to investigate Plaintiff's claim within the statutorily mandated time of receiving notice of Plaintiff's claim. Its conduct constitutes a violation of the Texas Insurance Code, Prompt Payment of Claims. TEX. INS. CODE §542.055.

Further, INSURANCE DEFENDANT failed to accept or deny Plaintiff's full and entire claim within the statutorily mandated time of receiving all necessary information. Its conduct constitutes a violation of the Texas Insurance Code, Prompt Payment of Claims. TEX. INS. CODE §542.056.

INSURANCE DEFENDANT failed to meet its obligations under the Texas Insurance Code regarding payment of claims without delay. Specifically, it has delayed full payment of Plaintiff's claim and, to date, Plaintiff has not received full payment for the claim. Its conduct constitutes a violation of the Texas Insurance Code, Prompt Payment of Claims. TEX. INS. CODE §542.058.

From and after the time Plaintiff's claim was presented to INSURANCE DEFENDANT, its liability to pay the full claim in accordance with the terms of the Policy was reasonably clear. However, it has refused to pay Plaintiff in full, despite there being no basis whatsoever upon which a reasonable insurance company would have relied to deny the full payment. INSURANCE DEFENDANT'S conduct constitutes a breach of the common law duty of good faith and fair dealing.

Additionally, INSURANCE DEFENDANT knowingly or recklessly made false representations, as described above, as to material facts and/or knowingly concealed all or part of material information from Plaintiff.

Because of INSURANCE DEFENDANT'S wrongful acts and omissions, Plaintiff was forced to retain the professional services of the attorney and law firm who is representing Plaintiff with respect to these causes of action.

V.

**CAUSES OF ACTION AGAINST INSURANCE DEFENDANT**

**A. BREACH OF CONTRACT**

INSURANCE DEFENDANT'S conduct constitutes a breach of the insurance contract between it and Plaintiff. Defendant's failure and/or refusal, as described above, to pay Plaintiff adequate compensation as it is obligated to do under the terms of the

Policy in question, and under the laws of the State of Texas, constitutes a breach of the insurance contract with Plaintiff.

**B. NONCOMPLIANCE WITH TEXAS INSURANCE CODE:**

**1. UNFAIR SETTLEMENT PRACTICES**

INSURANCE DEFENDANT'S conduct constitutes multiple violations of the Texas Insurance Code, Unfair Settlement Practices: TX. INS. CODE §541.060(a). All violations under this article are made actionable by TEX. INS. CODE §541.151.

INSURANCE DEFENDANT'S unfair settlement practice, as described above, of misrepresenting to Plaintiff material facts relating to the coverage at issue, constitutes an unfair method of competition and an unfair and deceptive act or practice in the business of insurance. TEX. INS. CODE §541.060(a)(1).

INSURANCE DEFENDANT'S unfair settlement practice, as described above, of failing to attempt in good faith to effectuate a prompt, fair, and equitable settlement of the claim, even though its liability under the Policy was reasonably clear, constitutes an unfair method of competition and an unfair and deceptive act or practice in the business of insurance. TEX. INS. CODE §541.060(a)(2)(A).

INSURANCE DEFENDANT'S unfair settlement practice, as described above, of refusing to pay Plaintiff's claim without conducting a reasonable investigation, constitutes an unfair method of competition and an unfair and deceptive act or practice in the business of insurance. TEX. INS. CODE §541.060(a)(7).

**2. THE PROMPT PAYMENT OF CLAIMS**

INSURANCE DEFENDANT'S conduct constitutes multiple violations of the Texas Insurance Code, Prompt Payment of Claims. All violations made under this article are made actionable by TEX. INS. CODE §542.060.

INSURANCE DEFENDANT'S failure to acknowledge receipt of Plaintiff's claim, commence investigation of the claim, and request from Plaintiff all items, statements, and forms that it reasonably believed would be required within the applicable time constraints, as described above, constitutes a non-prompt payment of claims and a violation of TEX. INS. CODE §542.055.

INSURANCE DEFENDANT'S failure to notify Plaintiff in writing of its acceptance or rejection of the claim within the applicable time constraints constitutes a non-prompt payment of the claim. TEX. INS. CODE §542.056.

INSURANCE DEFENDANT'S delay of the payment of Plaintiff's claim following its receipt of all items, statements, and forms reasonably requested and required, longer than the amount of time provided for, as described above, constitutes a non-prompt payment of the claim. TEX. INS. CODE §542.058.

#### **C. BREACH OF THE DUTY OF GOOD FAITH AND FAIR DEALING**

INSURANCE DEFENDANT'S conduct constitutes a breach of the common law duty of good faith and fair dealing owed to insureds pursuant to insurance contracts.

INSURANCE DEFENDANT'S failure, as described above, to adequately and reasonably investigate and evaluate Plaintiff's claim, although, at that time, it knew or should have known by the exercise of reasonable diligence that its liability was reasonably clear, constitutes a breach of the duty of good faith and fair dealing.

#### **VI. CAUSES OF ACTION AGAINST ADJUSTER DEFENDANT**

##### **A. NONCOMPLIANCE WITH TEXAS INSURANCE CODE**

Plaintiff re-alleges the foregoing paragraphs. At all pertinent times, PIERCE, the ADJUSTER DEFENDANT, was engaged in the business of insurance as defined by the Texas Insurance Code. The acts and omissions of the ADJUSTER DEFENDANT and his

agents constitute one or more violations of the Texas Insurance Code. More specifically, the ADJUSTER DEFENDANT has, among other violations, violated the following provisions of the Code:

1. Insurance Code § 542.003(b)(5) and 28 TAC 21.203(5).
2. Insurance Code chapter 541, section 541.060 by, among other things:
  - misrepresenting one or more material facts and/or policy provisions relating to coverage;
  - failing to attempt in good faith to effectuate a prompt, fair, and equitable settlement of a claim with respect to which their liability has become reasonably clear;
  - failing to attempt in good faith to effectuate a prompt, fair, and equitable settlement of a claim under one portion of a policy with respect to which liability has become reasonably clear in order to influence Plaintiff to settle the claim with respect to another portion of the policy;
  - failing to promptly provide a reasonable explanation of the basis in law or fact for the denial of Plaintiff's claims;
  - refusing to affirm or deny coverage within a reasonable time;
  - refusing to conduct a reasonable investigation;
  - ignoring damage known to be covered by the Policy; and/or
  - conducting an outcome-oriented investigation in order to provide INSURANCE DEFENDANT with a basis to underpay the claim.

The foregoing paragraphs are incorporated herein. The INSURANCE DEFENDANT assigned the loss and the claim to DAVID PIERCE who was at all pertinent times the agent of the INSURANCE DEFENDANT, through both actual and apparent authority. The acts, representations and omissions of the ADJUSTER DEFENDANT are attributed to the INSURANCE DEFENDANT.

ADJUSTER DEFENDANT inspected Plaintiff's property on or about February 24, 2016. During the inspection, ADJUSTER DEFENDANT was tasked with the

responsibility of conducting a thorough and reasonable investigation of Plaintiff's claim, including determining the cause of and then quantifying all of the damage done to Plaintiff's property. During the inspection, ADJUSTER DEFENDANT ignored covered damages to the Property and refused to address all of the damages caused by the loss. Specifically, Pierce, ignored covered damages including but not limited to the main house roof, exterior damages to the home, living room, dining room, soffit and fascia. Subsequent to the inspection, ADJUSTER DEFENDANT prepared a repair estimate, completed on or about February 25, 2016, which vastly under-scope the actual covered damages to the property, thus demonstrating ADJUSTER DEFENDANT did not conduct a thorough investigation of the claim.

Despite having been assigned the claim, and despite being given authority and instructions to inspect, adjust and evaluate the claim, the ADJUSTER DEFENDANT failed and refused to properly adjust the claim. The ADJUSTER DEFENDANT failed to properly inspect the property and the damages, failed to request information, failed to adequately investigate the claim, failed to respond to requests for information from the Plaintiff, failed to timely evaluate the claim, failed to timely and properly estimate the claim, and failed to timely and properly report to the INSURANCE DEFENDANT and make recommendations to the INSURANCE DEFENDANT to address all the covered damages.

The Plaintiff provided information regarding the loss and the claim to the ADJUSTER DEFENDANT. The Plaintiff allowed the ADJUSTER DEFENDANT full and complete access to the property. The Plaintiff provided sufficient information to the ADJUSTER DEFENDANT to adjust and evaluate the loss. The Plaintiff made inquiries regarding the status of the loss and payment, but the ADJUSTER DEFENDANT failed and refused to respond to the inquiries and failed to properly adjust the claim and the loss. As

a result of the ADJUSTER DEFENDANT'S inadequate and outcome-oriented investigation, to date, Plaintiff has not received full payment for the claim.

The ADJUSTER DEFENDANT'S actions were negligent, reckless, willful and intentional, and were the proximate and producing cause of damages to the Plaintiff.

Where statements were made by the ADJUSTER DEFENDANT, Plaintiff reasonably relied upon them. As a result of the foregoing conduct, which was and is the producing cause(s) of injury and damage to Plaintiff, Plaintiff has suffered damages including, without limitation, actual damages, economic damages, and consequential damages. Moreover, one or more of the foregoing acts or omissions were "knowingly" made, entitling Plaintiff to seek treble damages pursuant to the Insurance Code.

**VII.**  
**KNOWLEDGE**

Each of the acts described above, together and singularly, was done "knowingly" by DEFENDANTS as that term is used in the Texas Insurance Code, and was a producing cause of Plaintiff's damages described herein.

**VIII.**  
**DAMAGES**

Plaintiff would show that all of the aforementioned acts, taken together or singularly, constitute the proximate and producing causes of the damages sustained by Plaintiff.

As previously mentioned, the damages caused by the covered losses have not been properly addressed or repaired in the months since the loss occurred, causing further damage to the Property, and causing undue hardship and burden to Plaintiff. These damages are a direct result of DEFENDANTS' mishandling of Plaintiff's claim in violation of the laws set forth above.

For breach of contract, Plaintiff is entitled to regain the benefit of the bargain, which is the amount of the claim, together with attorney's fees.

For noncompliance with the Texas Insurance Code, Unfair Settlement Practices, Plaintiff is entitled to actual damages, which include the loss of the benefits that should have been paid pursuant to the policy, court costs, and attorney's fees. For knowing conduct of the acts described above, Plaintiff asks for three times the actual damages. TEX. INS. CODE §541.152.

For noncompliance with the Texas Insurance Code, Prompt Payment of Claims, Plaintiff is entitled to the amount of Plaintiff's claim, as well as eighteen (18) percent interest per annum on the amount of such claim as damages, together with attorney's fees. TEX. INS. CODE §542.060.

For breach of the common law duty of good faith and fair dealing, Plaintiff is entitled to compensatory damages, including all forms of loss resulting from the insurer's breach of duty, such as additional costs, losses due to nonpayment of the amount the insurer owed, and exemplary damages.

For the prosecution and collection of this claim, Plaintiff has been compelled to engage the services of the attorney whose name is subscribed to this pleading. Therefore, Plaintiff is entitled to recover a sum for the reasonable and necessary services of Plaintiff's attorney in the preparation and trial of this action, including any appeals to the Court of Appeals and/or the Supreme Court of Texas.

## IX.

In addition, as to any exclusion, condition, or defense pled by DEFENDANTS, Plaintiff would show that:

The clear and unambiguous language of the policy provides coverage for damage caused by losses made the basis of Plaintiff's claim, including the cost of access to fix the damages;

In the alternative, any other construction of the language of the policy is void as against public policy;

Any other construction and its use by the DEFENDANTS violate the Texas Insurance Code section 541 et. seq. and is void as against public policy;

Any other construction violates Art. 17.50 of the Texas Business and Commerce Code and is unconscionable and is void as against public policy and was procured by fraudulent inducement;

Any other construction is otherwise void as against public policy, illegal, and violates state law and administrative rule and regulation.

In the alternative, should the Court find any ambiguity in the policy, the rules of construction of such policies mandate the construction and interpretation urged by Plaintiff;

In the alternative, DEFENDANTS are judicially, administratively, or equitably estopped from denying Plaintiff's construction of the policy coverage at issue;

In the alternative, to the extent that the wording of such policy does not reflect the true intent of all parties thereto, Plaintiff pleads the doctrine of mutual mistake requiring information.

X.  
**REQUEST FOR DISCLOSURES**

Pursuant to the Texas Rules of Civil Procedure 194, Plaintiff requests that DEFENDANTS provide the information required in a Request for Disclosure.

XI.

**FIRST REQUEST FOR PRODUCTION TO INSURANCE DEFENDANT**

- 1) Produce the INSURANCE DEFENDANT's complete claim file (excluding all privileged portions) in your possession for Plaintiff's property relating to or arising out of any damages caused by the loss for which INSURANCE DEFENDANT opened a claim under the Policy. Please produce a privilege log for any portions withheld on a claim of privilege.
- 2) Produce all non-privileged emails and other forms of communication between INSURANCE DEFENDANT, its agents, adjusters, employees, or representatives and the adjuster, and/or their agents, adjusters, representatives or employees relating to, mentioning, concerning or evidencing the Plaintiff's property which is the subject of this suit.
- 3) Produce any complete claim file (excluding all privileged portions) in the INSURANCE DEFENDANT's possession for the Plaintiff/insured and/or for the Plaintiff's property as listed in the Plaintiff's Original Petition, relating to or arising out of any claim for damages which INSURANCE DEFENDANT opened a claim under any policy. Please produce a privilege log for any portions withheld on a claim of privilege.

XII.

**FIRST REQUEST FOR PRODUCTION TO ADJUSTER DEFENDANT**

- 1) Produce ADJUSTER DEFENDANT's complete claim or adjusting file for Plaintiff's property. Please produce a privilege log for any portions withheld on a claim of privilege.
- 2) Produce all emails and other forms of communication between INSURANCE DEFENDANT, its agents, adjusters, employees, or representatives and the ADJUSTER DEFENDANT, and/or their agents, adjusters, representatives or employees relating to, mentioning, concerning or evidencing the Plaintiff's property which is the subject of this suit. This includes any correspondence or communications related to the Plaintiff's property, whether related to this claim or any other claim in the INSURANCE DEFENDANT'S possession. Please produce a privilege log for any items withheld on a claim of privilege.

XIII.

As required by Rule 47(b), Texas Rules of Civil Procedure, Plaintiff's counsel states that the damages sought are in an amount within the jurisdictional limits of this Court. As required by Rule 47(c), Texas Rules of Civil Procedure, Plaintiff's counsel states that Plaintiff seeks monetary relief, the maximum of which is over \$100,000 but not more

than \$200,000. The amount of monetary relief actually awarded, however, will ultimately be determined by a jury. Plaintiff also seeks pre-judgment and post-judgment interest at the highest legal rate.

**XIV.**  
**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that DEFENDANTS be cited to appear and answer herein; that, on final hearing, Plaintiff have judgment against DEFENDANTS for an amount, deemed to be just and fair by the jury, which will be a sum within the jurisdictional limits of this Court; for costs of suit; for interest on the judgment; for pre-judgment interest; and, for such other and further relief, in law or in equity, either general or special, including the non-monetary relief of declaratory judgment against the INSURANCE DEFENDANT, to which Plaintiff may be justly entitled.

Respectfully submitted,

KETTERMAN ROWLAND & WESTLUND  
16500 San Pedro, Suite 302  
San Antonio, Texas 78232  
Telephone: (210) 490-7402  
Facsimile: (210) 490-8372

BY: /s/ Robert A. Pollom  
Robert A. Pollom  
State Bar No. 24041703  
[robert@krwlawyers.com](mailto:robert@krwlawyers.com)

ATTORNEY FOR PLAINTIFF

**PLAINTIFF REQUESTS A TRIAL BY JURY**

8/24/2016 3:19:03 PM

Esther Degollado

District Clerk

Webb District

Gloria Noriega

2016CVF002246D2

CAUSE NUMBER (FOR CLERK USE ONLY): \_\_\_\_\_

COURT (FOR CLERK USE ONLY): \_\_\_\_\_

STYLED Crescencio Lopez v. ASI Lloyds &amp; David Pierce

(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:		Names of parties in case:	Person or entity completing sheet is:
Name Robert A. Pollock	Email Stefanie@krwlawyers.com	Plaintiff(s)/Petitioner(s) Crescencio Lopez	<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____
Address 16500 San Pedro, Suite 302	Telephone (210) 490-7402		Additional Parties in Child Support Case: _____
City/State/Zip. San Antonio, TX 78232	Fax (210) 490-8372	Defendant(s)/Respondent(s) ASI Lloyds and David Pierce	Custodial Parent: _____
Signature: 	State Bar No: 24041703		Non-Custodial Parent: _____
(Attach additional page as necessary to list all parties)			

## 2. Indicate case type, or identify the most important issue in the case (select only 1):

Civil		Family Law		
Contract	Injury or Damage	Real Property	Marriage Relationship	Post-judgment Actions (non-Title IV-D)
<input checked="" type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract	<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability  <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____  <input type="checkbox"/> Other Injury or Damage: _____	<input type="checkbox"/> Eminent Domain/ Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <input type="checkbox"/> Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children	<input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other  <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order
<input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract				<input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____
Employment	Other Civil			
<input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____	<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property	<input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____		
Tax	Probate & Mental Health			
<input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	<input type="checkbox"/> Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings	<input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____		

## 3. Indicate procedure or remedy, if applicable (may select more than 1):

<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover
---	---	---

## 4. Indicate damages sought (do not select if it is a family law case):

<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input checked="" type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000
---



16500 SAN PEDRO, SUITE 302  
SAN ANTONIO, TX 78232  
PHONE: (210) 490-4357  
TOLL FREE: (888) 315-3997  
FAX: (210) 490-8372  
KRWLAWYERS.COM

Kevin S. Baker <sup>TX</sup>  
Philip G. Bernal<sup>\*</sup> <sup>TX</sup>  
Perry J. Dominguez, II <sup>TX</sup>  
Taylor W. Harper <sup>TX</sup>  
Joshua Hatley <sup>TX</sup>  
David M. Kelner <sup>PA</sup>  
Douglas D. Ketterman<sup>\*</sup> <sup>TX, PA</sup>  
Matthew D. Ketterman <sup>TX, MN</sup>  
Michelle C. Le <sup>TX, MS</sup>

Desiree Marrufo <sup>TX</sup>  
Jay Esther Degollado  
Robert F. Mulhall <sup>TX</sup>  
Robert A. Pollio <sup>TX</sup>  
Michael R. Rowland <sup>TX</sup>  
Brian C. Stewart <sup>TX</sup>  
Ryan A. Todd <sup>TX, DC</sup>  
R. Scott Westlund <sup>TX</sup>

Filed  
8/24/2016 8:19:03 PM  
Jay Esther Degollado  
Webb County District Clerk  
Robert A. Pollio Webb County District  
Michael R. Rowland Webb County  
Brian C. Stewart Webb County  
Ryan A. Todd Webb County  
R. Scott Westlund Webb County

\*Board Certified - Personal Injury Trial Law Texas Board of Legal Specialization

August 24, 2016

Esther Degollado  
Webb County District Clerk  
1110 Victoria St, Suite 203  
Laredo, Texas 78040

Via E-filing

**RE: NEW LAWSUIT – Crescencio Lopez v. ASI Lloyds and David Pierce**

Dear Ms. Degollado:

With regard to the above-referenced matter, please issue two (2) citations for service on the following Defendant:

**ASI Lloyds**  
By serving its registered agent  
**Rodney D. Bucker**  
**700 North Pearl Street, 25<sup>th</sup> Floor**  
**Dallas, Texas 75201**

And

**David Pierce**  
**196 Pecan Loop**  
**McQueeney, Texas 78123**

The fee for said citations has been satisfied with the filing of the petition. Upon receiving a copy of the file stamped petition, we will in return, mail a copy of the petition along with a self-addressed, stamped envelope to your office for the return of the citations. We will perfect service by private process.

Should you have any questions, please do not hesitate to contact this office at your earliest convenience.

Respectfully,

/s/ Yvette Banda

Yvette Banda  
Legal Assistant

/yb



MONICA Z. NOTZON  
JUDGE, 111<sup>TH</sup> DISTRICT COURT  
1110 VICTORIA SUITE #301 3<sup>RD</sup> FLOOR  
LAREDO, TEXAS 78040  
OFFICE (956)523-4230  
FAX (956)523-5088

ABEL SOLIZ  
CIVIL COURT COORDINATOR  
(956)523-4226

FERNANDO RAMOS  
BAILIFF  
(956)523-4227

August 31, 2016

CAUSE NO.: 2016CVF002246 D2

STYLE: CRESCENCIO LOPEZ

VS

ASI LLOYDS AND DAVID PIERCE

**NOTICE OF CALENDAR CALL**

Please take notice that this case is set for Calendar Call on 11/01/2016  
at 11:00 AM at the 111<sup>th</sup> District Court, 3<sup>rd</sup> Floor, Webb County Justice Center.

All Calendar Call hearings will be in open Court and on the record before the Honorable Judge Monica Z. Notzon. Your presence is **MANDATORY** unless Counsel for Plaintiff(s) and Defendant(s) have in place a pre-trial guideline order with both Counsel and Judge's signatures prior to calendar call date. This guideline order should have all appropriate dates including pre-trial, jury selection and all deadlines.

Counsel for Plaintiff(s) please note that if you do not appear for calendar call your case may be dismissed for lack of prosecution.

Counsel for Defendant(s) please note that if you do not appear for calendar call, a pre-trial guideline order may be entered with or without your approval and/or signature.

If there are any questions regarding this matter please feel free to call our office at any time.

Abel Soliz  
Civil Court Coordinator  
111<sup>th</sup> District Court

A True copy of the original. I certify  
the 20th day of September, 2016  
ESTHER DEGOLLADO  
Clerk of the District Courts and  
County Court at Law, Webb County, Texas  
By Abel Soliz Deputy





\*\* Transmit Confirmation Report \*\*

P.1  
WEBB CO DISTRICT CLERK Fax:956-523-5121

Sep 1 2016 11:40am

Name/Fax No.	Mode	Start	Time	Page	Result	Note
912104908372	Fine	01.11:40am	0'28"	1	# O K	



MONICA Z. NOTZON  
JUDGE, 111<sup>TH</sup> DISTRICT COURT  
1110 VICTORIA SUITE #301 3<sup>RD</sup> FLOOR  
LAREDO, TEXAS 78040  
OFFICE (956)523-4230  
FAX (956)523-5088

ABEL SOLIZ  
CIVIL COURT COORDINATOR  
(956)523-4226

FERNANDO RAMOS  
HAILIP  
(956)523-4227

August 31, 2016

CAUSE NO.: 2016CVF002246 D2

STYLE: CRESCENCIO LOPEZ

VS

ASI LLOYD'S AND DAVID PIERCE

NOTICE OF CALENDAR CALL

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Counsel for Defendant(s) please note that if you do not appear for calendar call, a pre-trial guideline order may be entered with or without your approval and/or signature.

If there are any questions regarding this matter please feel free to call our office at any time.

A handwritten signature in black ink, appearing to read "Abel Soliz".

Abel Soliz  
Civil Court Coordinator  
111<sup>th</sup> District Court

A small, handwritten mark or signature, possibly "DC", located near the bottom right of the page.

RETURN  
2016CVF002246 D2

CITATION

THE STATE OF TEXAS  
COUNTY OF WEBB

NOTICE TO THE DEFENDANT: "YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU."

TO: ASI LLOYDS  
BY SERVING ITS REGISTERED AGENT: RODNEY D. BUCKER  
700 NORTH PEARL STREET 25TH FLOOR  
DALLAS, TX 75201 OR WHEREVER ELSE HE MAY BE FOUND.

DEFENDANT, IN THE HEREINAFTER STYLED AND NUMBERED CAUSE, YOU ARE HEREBY COMMANDED TO APPEAR BEFORE THE 111TH DISTRICT COURT of Webb County, Texas, to be held at the said courthouse of said county in the city of Laredo, Webb County, Texas, by filing a written answer to the Petition of Plaintiff at or before 10:00 O'CLOCK A.M. of the Monday next after the expiration of 20 days after the date of service thereof, a copy of which accompanies this citation, in the Cause #: 2016CVF002246 D2 , styled:

CRESCENCIO LOPEZ, PLAINTIFF

VS.

ASI LLOYDS AND DAVID PIERCE, DEFENDANT

Said Plaintiff's Petition was filed on 08/24/2016 in said court by:

ROBERT A POLLON, ATTORNEY FOR PLAINTIFF  
16500 SAN PEDRO STE 302  
SAN ANTONIO, TX 78232

WITNESS ESTHER DEGOLLADO, DISTRICT CLERK OF WEBB COUNTY, TEXAS, Issued and given under my hand and seal of said court at office, this 31 day of August, 2016.

C L E R K O F C O U R T

CALENDAR CALL COURT DATE:  
11/01/2016 AT 11:00A.M.

ESTHER DEGOLLADO  
WEBB COUNTY DISTRICT CLERK  
P.O. BOX 667  
LAREDO, TX 78042

A True copy of the original, I certify,

20th day of September 2016

ESTHER DEGOLLADO

Clerk of the District Courts and

District Court at Law, Webb County, Texas

My signature \_\_\_\_\_ Deputy

BY:

GLORIA G. NORIEGA





2016CVF002246 D2

OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 at  
\_\_\_\_\_ O'CLOCK \_\_\_\_\_.M. Executed at \_\_\_\_\_,  
within the COUNTY of \_\_\_\_\_ at \_\_\_\_\_ O'CLOCK \_\_\_\_\_.M. on  
the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by delivering to the within  
named ASI LLOYDS, each, in person, a true copy of this citation  
together with the accompanying copy of the petition, having first  
attached such copy of such petition to such copy of citation and  
endorsed on such copy of citation the date of delivery.

The distance actually traveled by me in serving such process was  
\_\_\_\_\_ miles, and my fees are as follows:

Total Fee for serving this citation \$ \_\_\_\_\_.

To certify which, witness my hand officially.

\_\_\_\_\_  
SHERIFF, CONSTABLE

\_\_\_\_\_  
COUNTY, TEXAS

BY \_\_\_\_\_  
DEPUTY

THE STATE OF TEXAS }  
COUNTY OF WEBB }

Before me, the undersigned authority, on this day personally  
appeared \_\_\_\_\_, who after being duly sworn,  
upon oath said that a notice, of which the above is a true copy, was  
by him/her delivered to \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_.

SWORN TO AND SUBSCRIBED BEFORE ME on the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

SERVE  
2016CVF002246 D2

CITATION

THE STATE OF TEXAS  
COUNTY OF WEBB

NOTICE TO THE DEFENDANT: "YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU."

TO: ASI LLOYDS  
BY SERVING ITS REGISTERED AGENT: RODNEY D. BUCKER  
700 NORTH PEARL STREET 25TH FLOOR  
DALLAS, TX 75201 OR WHEREVER ELSE HE MAY BE FOUND.

DEFENDANT, IN THE HEREINAFTER STYLED AND NUMBERED CAUSE, YOU ARE HEREBY COMMANDED TO APPEAR BEFORE THE 111TH DISTRICT COURT of Webb County, Texas, to be held at the said courthouse of said county in the city of Laredo, Webb County, Texas, by filing a written answer to the Petition of Plaintiff at or before 10:00 O'CLOCK A.M. of the Monday next after the expiration of 20 days after the date of service thereof, a copy of which accompanies this citation, in the Cause #: 2016CVF002246 D2 , styled:

CRESCENCIO LOPEZ, PLAINTIFF

VS.

ASI LLOYDS AND DAVID PIERCE, DEFENDANT

Said Plaintiff's Petition was filed on 08/24/2016 in said court by:

ROBERT A POLLON, ATTORNEY FOR PLAINTIFF  
16500 SAN PEDRO STE 302  
SAN ANTONIO, TX 78232

WITNESS ESTHER DEGOLLADO, DISTRICT CLERK OF WEBB COUNTY, TEXAS, Issued and given under my hand and seal of said court at office, this 31 day of August, 2016.

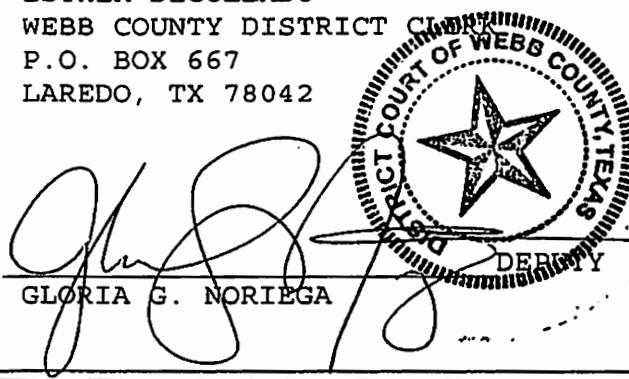
C L E R K   O F   C O U R T

CALENDAR CALL COURT DATE:  
11/01/2016 AT 11:00A.M.

ESTHER DEGOLLADO  
WEBB COUNTY DISTRICT CLERK  
P.O. BOX 667  
LAREDO, TX 78042

BY:

GLORIA G. NORIEGA



2016CVF002246 D2

OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 at  
\_\_\_\_\_ O'CLOCK \_\_\_\_\_.M. Executed at \_\_\_\_\_,  
within the COUNTY of \_\_\_\_\_ at \_\_\_\_\_ O'CLOCK \_\_\_\_\_.M. on  
the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by delivering to the within  
named **ASI LLOYDS**, each, in person, a true copy of this citation  
together with the accompanying copy of the petition, having first  
attached such copy of such petition to such copy of citation and  
endorsed on such copy of citation the date of delivery.

The distance actually traveled by me in serving such process was  
\_\_\_\_\_ miles, and my fees are as follows:

Total Fee for serving this citation \$ \_\_\_\_\_.

To certify which, witness my hand officially.

SHERIFF, CONSTABLE

\_\_\_\_\_ COUNTY, TEXAS

BY \_\_\_\_\_ DEPUTY

THE STATE OF TEXAS }  
COUNTY OF WEBB }

Before me, the undersigned authority, on this day personally  
appeared \_\_\_\_\_, who after being duly sworn,  
upon oath said that a notice, of which the above is a true copy, was  
by him/her delivered to \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

SWORN TO AND SUBSCRIBED BEFORE ME on the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_ NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_

RETURN  
2016CVF002246 D2

CITATION

THE STATE OF TEXAS  
COUNTY OF WEBB

NOTICE TO THE DEFENDANT: "YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU."

TO: DAVID PIERCE  
196 PECAN LOOP  
MCQUEENEY, TEXAS 78123 OR WHEREVER ELSE HE MAY FOUND.

DEFENDANT, IN THE HEREINAFTER STYLED AND NUMBERED CAUSE, YOU ARE HEREBY COMMANDED TO APPEAR BEFORE THE 111TH DISTRICT COURT of Webb County, Texas, to be held at the said courthouse of said county in the city of Laredo, Webb County, Texas, by filing a written answer to the Petition of Plaintiff at or before 10:00 O'CLOCK A.M. of the Monday next after the expiration of 20 days after the date of service thereof, a copy of which accompanies this citation, in the Cause #: 2016CVF002246 D2 , styled:

CRESCENCIO LOPEZ, PLAINTIFF

VS.

ASI LLOYDS AND DAVID PIERCE, DEFENDANT

Said Plaintiff's Petition was filed on 08/24/2016 in said court by:

ROBERT A POLLON, ATTORNEY FOR PLAINTIFF

16500 SAN PEDRO STE 302  
SAN ANTONIO, TX 78232

WITNESS ESTHER DEGOLLADO, DISTRICT CLERK OF WEBB COUNTY, TEXAS, Issued and given under my hand and seal of said court at office, this 31 day of August, 2016.

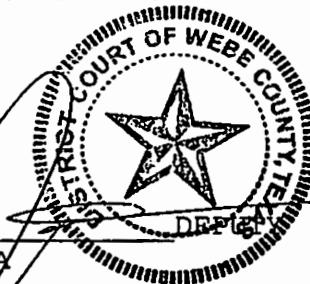
C L E R K   O F   C O U R T

CALENDAR CALL COURT DATE:  
11/01/2016 AT 11:00A.M.

ESTHER DEGOLLADO  
WEBB COUNTY DISTRICT CLERK  
P.O. BOX 667  
LAREDO, TX 78042

BY:

GLORIA G. NORIEGA



2016CVF002246 D2

OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 at  
\_\_\_\_\_ O'CLOCK \_\_\_\_\_.M. Executed at \_\_\_\_\_,  
within the COUNTY of \_\_\_\_\_ at \_\_\_\_\_ O'CLOCK \_\_\_\_\_.M. on  
the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by delivering to the within  
named DAVID PIERCE, each, in person, a true copy of this citation  
together with the accompanying copy of the petition, having first  
attached such copy of such petition to such copy of citation and  
endorsed on such copy of citation the date of delivery.

The distance actually traveled by me in serving such process was  
\_\_\_\_\_ miles, and my fees are as follows:

Total Fee for serving this citation \$ \_\_\_\_\_.

To certify which, witness my hand officially.

\_\_\_\_\_  
SHERIFF, CONSTABLE

\_\_\_\_\_  
COUNTY, TEXAS

BY \_\_\_\_\_  
DEPUTY

THE STATE OF TEXAS )  
COUNTY OF WEBB )

Before me, the undersigned authority, on this day personally  
appeared \_\_\_\_\_, who after being duly sworn,  
upon oath said that a notice, of which the above is a true copy, was  
by him/her delivered to \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

SWORN TO AND SUBSCRIBED BEFORE ME on the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

SERVE  
2016CVF002246 D2

CITATION

THE STATE OF TEXAS  
COUNTY OF WEBB

NOTICE TO THE DEFENDANT: "YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU."

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CRESCENCIO LOPEZ, PLAINTIFF

VS.

ASI LLOYDS AND DAVID PIERCE, DEFENDANT

Said Plaintiff's Petition was filed on 08/24/2016 in said court by:

ROBERT A POLLON, ATTORNEY FOR PLAINTIFF

16500 SAN PEDRO STE 302  
SAN ANTONIO, TX 78232

WITNESS ESTHER DEGOLLADO, DISTRICT CLERK OF WEBB COUNTY, TEXAS, Issued and given under my hand and seal of said court at office, this 31 day of August, 2016.

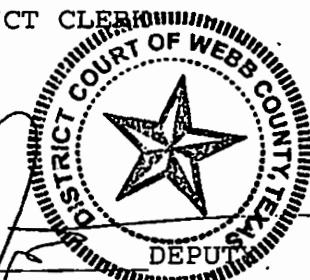
C L E R K   O F   C O U R T

CALENDAR CALL COURT DATE:  
11/01/2016 AT 11:00A.M.

ESTHER DEGOLLADO  
WEBB COUNTY DISTRICT CLERK  
P.O. BOX 667  
LAREDO, TX 78042

BY:

GLORIA G. NORIEGA



2016CVF002246 D2

OFFICER'S RETURN

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\_\_\_\_\_ O'CLOCK \_\_\_\_\_.M. Executed at \_\_\_\_\_,  
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SHERIFF, CONSTABLE

\_\_\_\_\_  
COUNTY, TEXAS

BY \_\_\_\_\_  
DEPUTY

THE STATE OF TEXAS }  
COUNTY OF WEBB }

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upon oath said that a notice, of which the above is a true copy, was  
by him/her delivered to \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

SWORN TO AND SUBSCRIBED BEFORE ME on the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

9/12/2016 12:00:43 PM

Esther Degollado

District Clerk

RETURN

Webb District

2016CVF002246 D2 Hernandez

2016CVF002246D2

## CITATION

THE STATE OF TEXAS  
 COUNTY OF WEBB

NOTICE TO THE DEFENDANT: "YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU."

TO: ASI LLOYDS  
 BY SERVING ITS REGISTERED AGENT: RODNEY D. BUCKER  
 700 NORTH PEARL STREET 25TH FLOOR  
 DALLAS, TX 75201 OR WHEREVER ELSE HE MAY BE FOUND.

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CRESCENCIO LOPEZ, PLAINTIFF

VS.

ASI LLOYDS AND DAVID PIERCE, DEFENDANT

Said Plaintiff's Petition was filed on 08/24/2016 in said court by:

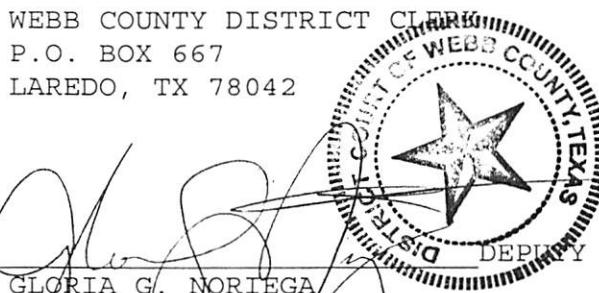
ROBERT A POLLON, ATTORNEY FOR PLAINTIFF  
 16500 SAN PEDRO STE 302  
 SAN ANTONIO, TX 78232

WITNESS ESTHER DEGOLLADO, DISTRICT CLERK OF WEBB COUNTY, TEXAS, Issued and given under my hand and seal of said court at office, this 31 day of August, 2016.

C L E R K   O F   C O U R T

CALENDAR CALL COURT DATE:  
 11/01/2016 AT 11:00A.M.

ESTHER DEGOLLADO  
 WEBB COUNTY DISTRICT CLERK  
 P.O. BOX 667  
 LAREDO, TX 78042



A True copy of the original. I certify,  
 the 20th day of September, 2016.  
 ESTHER DEGOLLADO  
 Clerk of the District Courts and  
 County Court at Law, Webb County, Texas  
 BY: Gloria G. Noriega  
 Deputy

GLORIA G. NORIEGA



RECEIVED  
U.S. DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION  
JULY 10 2014  
CLERK'S OFFICE



State of Texas

County of Webb

111th District Court

Cause # 2016CVF002246 D2

## OFFICER'S RETURN

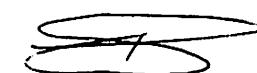
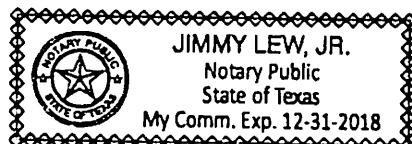
Came to hand on the 02nd day of September, 2016, at 02:52 o'clock P.M.

Executed at 700 North Pearl Street 25th Floor, Dallas, Texas 75201, within the County of Dallas at \_\_\_\_\_ o'clock \_\_\_\_ .M. on the 07th day of September, 2016, by delivering to the within named ASI Lloyds by Serving its Registered Agent Rodney D. Bucker by Certified Mail, Receipt #70160600000040173300, USPS Tracking Sheet Attached, each, in person, a true copy of this Citation, Plaintiff, Crescencio Lopez, Plaintiff's Original Petition to Defendant, ASI Lloyds by Serving its Registered Agent Rodney D. Bucker, together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by me in serving such process was \_\_\_\_\_ miles and my fees are as follows:

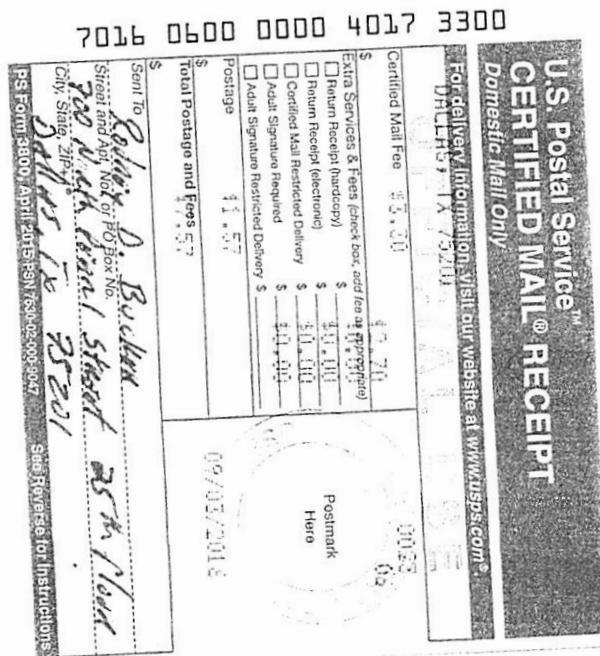
I certify that I am over the age of 18, have no interest in the above action, and a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

Subscribed and Sworn to before me on the 12 day of Sept, 2016 by the affiant who is personally known to me.

  
NOTARY PUBLIC



Raul Davila  
SCH #11624 EXP 8/31/2018  
Davila Civil Process  
P.O. Box 1733  
Helotes, TX 78023  
OFFICE # 210-275-4485

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

*Rodney D. Buckner  
700 North Pearl Street 25th Floor  
Dallas, TX 75201*



9590 9402 1909 6104 2849 85

## 2. Article Number (Transfer from service label)

7016 0600 0000 4017 3300

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

*XRECEIVED*

- Agent  
 Addressee

## B. Received by (Printed Name)

*SEP 01 2016*

## C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

## 3. Service Type

- Adult Signature  Priority Mail Express®  
 Adult Signature Restricted Delivery  Registered Mail™  
 Certified Mail®  Registered Mail Restricted Delivery  
 Certified Mail Restricted Delivery  Return Receipt for Merchandise  
 Collect on Delivery  Signature Confirmation™  
 Collect on Delivery Restricted Delivery  Signature Confirmation  
 Insured Mail  Restricted Delivery  
 Insured Mail Restricted Delivery (over \$500)

Domestic Return Receipt

## CITATION

THE STATE OF TEXAS  
COUNTY OF WEBB

NOTICE TO THE DEFENDANT: "YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU."

TO: DAVID PIERCE  
196 PECAN LOOP  
MCQUEENEY, TEXAS 78123 OR WHEREVER ELSE HE MAY FOUND.

DEFENDANT, IN THE HEREINAFTER STYLED AND NUMBERED CAUSE, YOU ARE HEREBY COMMANDED TO APPEAR BEFORE THE 111TH DISTRICT COURT of Webb County, Texas, to be held at the said courthouse of said county in the city of Laredo, Webb County, Texas, by filing a written answer to the Petition of Plaintiff at or before 10:00 O'CLOCK A.M. of the Monday next after the expiration of 20 days after the date of service thereof, a copy of which accompanies this citation, in the Cause #: 2016CVF002246 D2 , styled:

CRESCENCIO LOPEZ, PLAINTIFF

VS.

ASI LLOYDS AND DAVID PIERCE, DEFENDANT

Said Plaintiff's Petition was filed on 08/24/2016 in said court by:

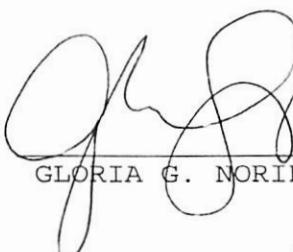
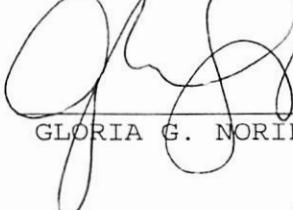
ROBERT A POLLON, ATTORNEY FOR PLAINTIFF  
16500 SAN PEDRO STE 302  
SAN ANTONIO, TX 78232

WITNESS ESTHER DEGOLLADO, DISTRICT CLERK OF WEBB COUNTY, TEXAS, Issued and given under my hand and seal of said court at office, this 31 day of August, 2016.

C L E R K   O F   C O U R T

CALENDAR CALL COURT DATE:  
11/01/2016 AT 11:00A.M.

ESTHER DEGOLLADO  
WEBB COUNTY DISTRICT CLERK  
P.O. BOX 667  
LAREDO, TX 78042

A True copy of the original, I certify  
  
 2016 day of September 16 BY:  
 ESTHER DEGOLLADO  
 Clerk of the District Courts and  
 Court at Law, Webb County, Texas  
  
 GLORIA G. NORIEGA  






State of Texas

County of Webb

111th District Court

Case # 2016CVF002246 D2

## OFFICER'S RETURN

### Plaintiff's Original Petition

Plaintiff: **Crescencio Lopez**

vs.

Defendant : **ASI Lloyds and David Pierce**

For:

**Robert A Pollom**

**Ketterman Rowland & Westlund**

**16500 San Pedro Ave # 302**

**San Antonio, Tx. 78232**

**(210) 490-7402**

Received by Josie M Barbosa on the 01st day of September, 2016 at 10:40 A.M. to be served on **David Pierce, 196 Pecan Loop, McQueeney, Texas 78123**

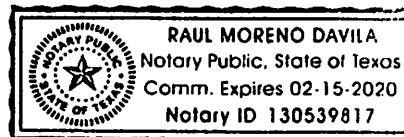
I, Josie M Barbosa, being duly sworn, depose and say that on the 12th day of September, 2016 at 02:53 P.M.:

I, INDIVIDUALLY/PERSONALLY by delivering to the within named **David Pierce**, each, in person, a true copy of this **Citation** together with the accompanying copy of the **Petition**, having first attached such copy of such Petition to such copy of Citation and endorsed on such copy of Citation the date delivery, to : **196 Pecan Loop, McQueeney, Texas 78123** and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

Subscribed and Sworn to before me on the 13<sup>th</sup> day  
of September, 2016 by the affiant who is personally  
known to me.  
[Signature]

NOTARY PUBLIC



  
Josie M Barbosa

SCH #12232 EXP 8/31/2019

Davila Civil Process

P.O. Box 1733

Helotes, TX 78023

OFFICE # 210-275-4485

Filed  
9/14/2016 9:48:21 AM  
Esther Degollado  
District Clerk  
Webb District  
Rene Gutierrez  
2016CVF002246D2

# Lugenbuhl

LUGENBUHL, WHEATON, PECK, RANKIN & HUBBARD  
A LAW CORPORATION

9311 BLUEBONNET BOULEVARD | SUITE A | BATON ROUGE, LA 70810

TEL: 504.568.1990 | FAX: 504.310.9195

LaDonna G. Schexnyder  
lschexnyder@lawla.com

September 14, 2016

Clerk of Court  
111th Judicial District Court  
County of Webb  
ATTN: RENE  
1110 Victoria Street, Suite 203  
Laredo, Texas 78040

Re: Case No.2016CVF002246 D2; Crescencio Lopez vs. ASI Lloyds, et al  
In the 111th Judicial District Court; Webb County  
Our File No.: 36595-160613

Dear Sir/Madam:

We are in the process of filing a removal with the federal court. Per my phone conversation with Rene of your office, the total cost for the complete record is \$31.00. Please accept the e-filing as payment for the complete record.

Once you have received the self-addressed stamped envelope, please mail a certified copy of the complete record, including but not limited to the civil case information sheet, civil process requests, citation issued to ASI Lloyds, certified mail receipt to serve ASI Lloyds, domestic return receipts, docket sheet and any and all documents filed in regards to the above mentioned matter.

Should anything further be needed in connection herewith, please advise.

Thank you for your courtesy and attention to this request.

Sincerely,



LaDonna G. Schexnyder

LGS/mah  
Enclosures

A True copy of the original. I certify,  
the 20th day of September 2016  
ESTHER DEGOLLADO  
Clerk of the District Courts and  
County Court at Law Webb County, Texas  
By Mary Alice M Deputy





Filed  
9/14/2016 9:48:21 AM  
Esther Degollado  
District Clerk  
Webb District  
Rene Gulierrez  
2016CVF002246D2

# Lugenbuhl

LUGENBUHL, WHEATON, PECK, RANKIN & HUBBARD  
A LAW CORPORATION

9311 BLUEBONNET BOULEVARD | SUITE A | BATON ROUGE, LA 70810  
TEL: 504.568.1990 | FAX: 504.310.9195

LaDonna G. Schexnyder  
lschexnyder@lawla.com

September 14, 2016

Clerk of Court  
111th Judicial District Court  
County of Webb  
ATTN: RENE  
1110 Victoria Street, Suite 203  
Laredo, Texas 78040

ESTHER DEGOLLADO  
CLERK OF THE DISTRICT COURTS  
& COUNTY COURTS AT LAW  
WEBB COUNTY, TEXAS  
FILED  
SEP 15 2016  
BY  
LaDonna G. Schexnyder

Re: Case No.2016CVF002246 D2; Crescencio Lopez vs. ASI Lloyds, et al  
In the 111th Judicial District Court; Webb County  
Our File No.: 36595-160613

Dear Sir/Madam:

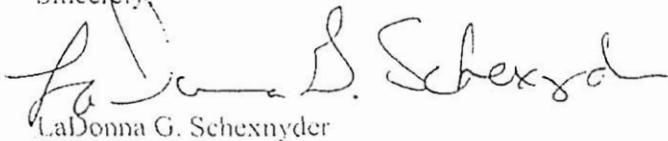
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Once you have received the self-addressed stamped envelope, please mail a certified copy of the complete record, including but not limited to the civil case information sheet, civil process requests, citation issued to ASI Lloyds, certified mail receipt to serve ASI Lloyds, domestic return receipts, docket sheet and any and all documents filed in regards to the above mentioned matter.

Should anything further be needed in connection herewith, please advise.

Thank you for your courtesy and attention to this request.

Sinceely,

  
LaDonna G. Schexnyder

LGS/mah  
Enclosures

A True copy of the original, I certify,  
the 20th day of September 16  
ESTHER DEGOLLADO  
Clerk of the District Courts and  
County Court at Law, Webb County, Texas  
By Mrs. Alba G. Deputy



## Envelope Information

Envelope Id 12688083	Submitted Date 9/14/2016 9:48 AM CDT	Submitted User Name lschexnyder@lawla.com
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## Case Information

Location Webb County - District Clerk	Category Civil - Contract	Case Type Debt/Contract - Consumer/DTPA
Case # 2016CVF002246D2		
Firm Name Lugenbuhl Wheaton Peck Rankin & Hubbard-New Orleans	Filed By LaDonna Schexnyder	

## Filings

Filing Type EFile	Filing Code Request
Filing Description Complete Record Request	
Reference Number 160613	Filing Comments Complete Record Request
Courtesy Copies mhein@lawla.com	
Filing Status Accepted	Accepted Date 9/14/2016 11:46 AM CDT
Accept Comments THANK YOU FOR E-FILING WITH WEBB COUNTY	

## Lead Document

File Name Ltr COC-Lopez-Complete Record Request and Payment-9-14- 16.pdf	Description Ltr COC-Lopez- Complete Record Request and Payment- 9-14-16.pdf	Security Does not contain sensitive data	Download Original File Court Copy
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## Fees

**Request**

Description	Amount
Filing Fee	\$0.00
Copies - Certified (33 x \$1.00)	\$33.00
	<b>Filing Total: \$33.00</b>

Total Filing Fee	\$33.00
Payment Service Fee	\$1.01
Court E-File Fee	\$2.00
	<b>Envelope Total: \$36.01</b>

Party Responsible for Fees	ASI Lloyds	Transaction Amount	\$36.01
Payment Account	Lugenbuhl Wheaton Peck Rankin & Hubbard	Transaction Id	20276494
Filing Attorney	LaDonna Schexnyder	Order Id	012688083-1
Filer Type	Not Applicable	Transaction Response	Payment Complete